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Supreme Court, U.S.
FILED

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Supreme Court of the United States

October Term, 1998

ROSALINDA LOPEZ

Petitioner

vs.

CALIFORNIA

Respondent

Petition for Writ of Certiorari to the Court of Appeal Of the State of California, Second Appellate District

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40 pp

Questions Presented

1. May the detention of a citizen be based upon an officer's invidious beliefs that a certain ethnic group is inherently predisposed to traffic drugs?

(a) Specifically, may the occupants of a vehicle be detained because it had visited a residence placed under surveillance for the articulated reason it had been visited the previous day by an open-bed pickup with Baja California plates, and because an officer considered all Hispanics, and Mexican nationals in particular, likely drug smugglers?"

2. Does a state court provide a full and fair hearing on the lawfulness of a search within the meaning of *Stone v. Powell* (1976) 428 U.S. 465 [96 S.Ct. 3037] where it refuses to recognize the uncontradicted evidence that an accused was detained for racial reasons, and further refuses to correct the oversight when brought to its attention in a petition for rehearing?

Table of Contents

QUESTIONS PRESENTED i

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT 1

OPINIONS BELOW 1

JURISDICTION 2

CONSTITUTIONAL PROVISIONS INVOLVED . 2

STATEMENT OF THE CASE 3

REASONS FOR GRANTING THE WRIT 5

FACTUAL SUMMARY 5

I

Being Based on Officer Michado's Invidious Assumptions Concerning the Motives of Mexican Nationals and Hispanics in General, His Suspicions Concerning Appellant Were Not Reasonably Founded, And Did Not Justify Detention

10

(a) Racial Overtones Echoed Throughout the Proceedings 10

(b) A Seizure Based on Race Is Unreasonable 11

(c) A Pretext Stop Predicated Upon Racist Assumptions Rather than Adequate Observation of a Violation is a Denial of Equal Protection, Thus Unreasonable. 13

(d) This Is An Appropriate Case For Invocation of the Exclusionary Rule ... 14

II

Avoidance of A Constitutional Claim By Misrepresentation of Evidence Supporting That Claim Denies Due Process.

..... 17

CONCLUSION 19

Appendix "A":

Opinion of the Court of Appeal of the State of California, Second Appellate District, Division 7 Dated June 8, 1998.

Appendix "B"

Opinion of the Court of Appeal Denying Petition for Rehearing Dated July 7, 1998.

Appendix "C"

Order of Supreme Court of California Denying Petition for Review Dated August 19, 1998.

Table of Authorities

Cases:

Cole v. Arkansas (1948) 333 U.S. 196
[68 S.Ct. 514] 18

Colorado v. Bannister (1980) 449 U.S. 1
[101 S.Ct. 42] 11

Delaware v. Prouse (1979) 440 U.S. 648
[99 S.Ct. 1391] 11, 12

Frank v. Mangum (1915) 237 U.S. 309
[35 S.Ct. 582] 18

Illinois v. Krull (1987) 480 U.S. 340, 347
[107 S.Ct. 1160] 15

Mapp v. Ohio (1961) 367 U.S. 643 [
81 S.Ct. 1684] 15

Olmstead v. United States (1928) 277 U.S. 438
[48 S.Ct. 564] 15

People v. Bell (1996) 43 Cal.App.4th 754
[51 Cal.Rptr. 115] 14

People v. Rogers (1971) 5 Cal.3d 129
[95 Cal.Rptr. 601] 3

United States v. Leon (1984) 468 U.S. 897
[104 S.Ct. 3405] 15

United States v. Brignoni-Ponce (1975) 422 U.S. 873, 878, [95 S.Ct. 2574] 12

Washington v. Lambert (9 Cir 1996) 93 F.3d 1181 .. 13
Whren v. United States (1996) 517 U.S. 806 [116 S.Ct. 1769] 13

Wirin v. Horral (1948) 85 Cal.App.2d 497 [193 P.2d 470] 12

Constitutions:

United States:

Amendment IV: 2

Amendment XIV 3

Statutes:

Cal. Health & Saf. Code §§ 11359, 11360(a) 3

Title 28, United States Code, § 1257, subd.(a) 2

Miscellaneous:

Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts (1997) 11

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT

Rosalinda Lopez petitions this Honorable Court for a writ of certiorari to review the judgment of the California Court of Appeal, Second Appellate District in this case.

Opinions Below

The opinion of the Court of Appeal of the State of California, Second Appellate District, was filed June 8, 1998. It was not published in the official reports; it is attached as Appendix "A". A timely petition for rehearing, preserving objection to the issues concerning handling of the appeal as presented in this petition, was filed June 25, 1998 and denied July 7, 1998. The Order denying rehearing is attached as Appendix "B"

The Order of the California Supreme Court denying discretionary Review of the judgment of the court of appeal was filed August 19, 1998. It is attached as Appendix "C".

Jurisdiction

The judgment of the California Court of Appeal was entered on September 4, 1998 following denial of discretionary Review by the California Supreme Court August 19, 1998. The jurisdiction of this Court is invoked pursuant to Title 28, United States Code, section 1257, subdivision (a).

Constitutional Provisions Involved

The constitutional provision involved are the Fourth and Fourteenth Amendments, which provide in pertinent part,

Amendment IV:

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Amendment XIV

"§ 1. . . . No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Statement of the Case

Petitioner was charged in an information filed February 4, 1997 before the California Superior Court, Los Angeles County, with possession for sale and transportation of marijuana. (Cal. Health & Saf. Code §§ 11359, 11360(a) .)

Petitioner moved unsuccessfully before trial to suppress evidence. Following jury trial, Petitioner was convicted on the transportation count. (This charge did not require an intent to distribute.)[1]

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1. *People v. Rogers* (1971) 5 Cal.3d 129, 95 Cal.Rptr. 601

Petitioner's was placed on probation for a term of 3 years, with 180 days in the county jail as a condition on July 8, 1997.

Petitioner timely appealed to the court of Appeal of the State of California, Second Appellate District on July 8, 1997. That court affirmed in an opinion filed June 8, 1998. After unsuccessfully petitioning the court of appeal for rehearing, Petitioner then petitioned for discretionary Review to the Supreme Court of California. That court denied the petition on August 19, 1998.

Reasons For Granting The Writ

The search here was challenged on the grounds that an officer's invidious assumptions concerning the criminal predisposition of members of the Hispanic ethnic group did not provide a reasonable basis for spinning otherwise ambiguous observations into cause for detention.

The California courts have responded by ignoring uncontradicted evidence as a means of refusing to address the issue. In effect, they have held that a racially motivated detention has no remedy. We have come to this Court seeking a firm declaration that racist beliefs can form no part of a constitutionally reasonable detention.

Factual Summary

On November 20, 1996, members of a Los Angeles area narcotic strike force randomly observed some activity at a gas station involving pick-up trucks and a van. (RT 2-5) None of the vehicles was associated with appellant.

Their suspicion piqued by the occupants' apparently placing pager calls at an adjacent public phone, officers followed a blue van from the gas station to a nearby residential fourplex on Welland Street in Temple city. (RT 8)

A pickup with Baja California plates arrived at the same time as the blue van. It was not suggested that the Baja pickup contained anything in its open bed. (RT 21) There were sounds of doors opening and of things being dragged about; there was no evidence of what those things were because no one saw them. (RT 9, 29) The situation was evidently not deemed compelling enough to detain occupants of the blue van or anyone else that day.

Nevertheless, officer Michado as leader of the task force considered it inherently suspicious that a truck with Baja plates would be present in the area.

> "Q: Does the fact that a vehicle with Baja California license plates cause you any suspicion?
>
> A: A lot of organizations in the cartels or sales of organizations [sic] we get involved with seem to be Mexican Nationals or Hispanic in race."
>
> Q: Are many of the members . . . based in

Baja California:

A: Yes, a lot of them." (RT 8)

Michado later amplified his views:

Q: I mean, you have seen Baja California License plates in and around the Los Angeles basin and when you see them, you aren't always automatically suspicious of them, are you?

A: *Most of the time I am.*" (RT 19, emphasis added.)

When counsel attempted to follow up further by asking if it were not true that "there is a very large portion of people from south of the border in L.A. and southern California seeking work", the court sustained an objection on grounds of "relevancy". (RT 19)

The Welland Street residence was placed under surveillance during the following day. In the late morning, appellant's white van was observed to drive up and park. No one heard or saw it being loaded with anything; the identity of the driver and any passengers was not noted.

Several minutes later, the van was seen being

driven by a male Hispanic into a car lot where a red Bronco was also present. After some communication between occupants of the two vehicles, the white van then boarded the nearby westbound I-10 freeway, occupied by two male and one female Hispanics. (RT 12, 14, 83)

The van was then stopped at Michado's direction. (RT 23) Deputy Michael Proctor, driving west on I-10 in a marked unit, received a radio call that "a unit by the name of L.A. Impact was following a white Astro van and they were looking for marked units." (RT 34) Proctor located the van driving in the left "diamond lane".[2] It was raining, and the van had tinted windows. (RT 45-46) These conditions made it impossible to see inside the van. (RT 47) Through the front passenger window, however, he noted the presence of a driver and a passenger. A third passenger was in a back seat, not visible. Three occupants were required to drive in the diamond lane. (RT 36)

After effecting the stop, Proctor identified the driver as Petitioner Lopez. (RT 37) As she rolled down

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2 . Before the jury, Proctor indicated, inconsistently, that he had not realized the van was the same one described in the radio broadcasts until *after* he had decided to pull it over. (RT 97)

the window, he claimed to smell an odor of (unburnt) marijuana.(RT 38)

The atmosphere surrounding the proceedings was further suggested by the prosecutor's cross examination of Petitioner before the jury. After eliciting that Petitioner was 25 years of age, and that she had graduated from a high school in the high-minority community of Compton. Seeming to imply that no one who had attended such a school could *not* be familiar with drugs, he then asked:

> " Q: And you have never smelled marijuana before? Is that correct?
>
> A: No.
>
> Q: Take a moment to think about this question. In your entire life, have you ever smelled marijuana?
>
> A: No." (RT 158)

I

Being Based on Officer Michado's Invidious Assumptions Concerning the Motives of Mexican Nationals and Hispanics in General, His Suspicions Concerning Appellant Were Not Reasonably Founded, And Did Not Justify Detention

(a) Racial Overtones Echoed Throughout the Proceedings

The predominate articulated basis for the proposition that the Welland Street residence was a depot for contraband was Officer Machado's prejudicial belief vehicles from Baja California are likely being driven for a criminal purpose and that Hispanics go with drugs as hand with glove. At no time prior to the detention did officers claim to see any object consistent with drugs being loaded into any vehicle. All they saw were Hispanics, and this seemed to be all they needed.

Counsel was prevented from inquiring whether drivers with Mexican plates are not also at times engaged

in lawful business, the court finding this "irrelevant". We respectfully suggest that if an officer's suspicion that persons of a certain nationality are likely drug smugglers is "relevant", but the possibility that many members of the same group are engaged in lawful pursuits is "irrelevant", members of that group might be less inclined to believe in the fairness of the judicial system.[3]

(b) A Seizure Based on Race Is Unreasonable

In *Colorado v. Bannister* (1980) 449 U.S. 1, 4, fn. 3 [101 S.Ct. 42] the Court observed, "There can be no question that the stopping of a vehicle and the detention of its occupants constitute a 'seizure' within the meaning of the Fourth Amendment.". In *Delaware v. Prouse* (1979) 440 U.S. 648, 653, [99 S.Ct. 1391] the Court also held "stopping an automobile and detaining its occupants constitutes a 'seizure'....".

The Court has also long held that a temporary detention for questioning or limited investigation may be

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3. See Cal. Judicial Council, *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* (1997)

justified by circumstances falling short of probable cause to arrest. (*Terry v. Ohio* (1968) 392 U.S. 1, 22 [88 S.Ct. 1868] California courts have followed. (E.g., *In re Tony C.* (1978) 21 Cal.3d 888, 892, 148 Cal.Rptr. 366)

But equally important, even recognizing that experienced police officers develop an ability to perceive the unusual and suspicious, these limited intrusions into personal privacy must comport with state and federal constitutional prohibitions against unreasonable searches and seizures. (*Terry v. Ohio,* supra, 392 U.S. at 16, [88 S.Ct. at 1877]; *United States v. Brignoni-Ponce* (1975) 422 U.S. 873, 878, [95 S.Ct. 2574]) Dragnet-type stops of members of a particular group would not pass the test of reasonableness. (*Delaware v. Prouse*, supra.)

This case demonstrates that too-quick deference to police "expertise" can lead to detention policies driven by racial prejudice. There is a growing nationwide concern that such policies have created an unwritten crime of "D.W.B" - driving while black or brown. It should also not be forgotten that the Southern California region has suffered a long and continuing history of such abuses. (*See, e.g., Wirin v. Horral* (1948) 85 Cal.App.2d 497 193 P.2d 470 [police roadblocks set up at bridge entrance to

Hispanic area]; *Washington v. Lambert* (9 Cir 1996) 93 F.3d 1181, 1188 [routine gunpoint detention of blacks].)

What the California appellate courts have *never* explicitly said - even though we asked them to do so in this case - is that police "expertise" can not be used as a cloak for racism. Such silence has too often been read as open license to continue wholesale violation of the security and dignity of minority members who venture on to the public ways.

(c) A Pretext Stop Predicated Upon Racist Assumptions Rather than Adequate Observation of a Violation is a Denial of Equal Protection, Thus Unreasonable.

Whren v. United States (1996) 517 U.S. 806 [116 S.Ct. 1769] did not hold that police may target members of an ethnic group, follow them around until they commit a traffic infraction, and then search their vehicles.

In *Whren*, the Court concluded the police may rely on a traffic violation to stop a vehicle as a pretext for a (racially neutral) drug investigation. The attempt to invoke *Whren* here initially fails in that traffic officer Proctor was acting under radioed directions originating

with officer Michado. Proctor was also unable to make sufficient independent observation of a "diamond lane" violation to independently justify the stop. Adequate independent observations of obvious traffic violations were made both in the state case relied on by the court of appeal[4] and in *Whren* itself.

While granting very broad latitude to police to make investigatory stops based on traffic infractions, the *Whren* Court was careful to state that it was *not* opening the floodgates to adoption of racially discriminatory practices as seen here. The state court of appeal, however, has twisted this admonition 180 degrees to read it as open license to ignore the inherent unreasonableness of racially motivated detentions. (Opinion Ex. "A" pg 6.) It is on this point that the California courts - and no doubt those of other jurisdictions - are in need of further guidance.

(d) This Is An Appropriate Case For Invocation of the Exclusionary Rule

As Brandeis put it, "The makers of our

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4 . *People v. Bell* (1996) 43 Cal.App.4th 754 [51 Cal.Rptr. 115] (Excessive speed.) (Opn. Pg 6.)

Constitution undertook to secure conditions favorable to the pursuit of happiness. . . . They conferred, as against the government, the right to be let alone-the most comprehensive of rights and the right most valued by civilized men." (*Olmstead v. United States* (1928) 277 U.S. 438, 479 [48 S.Ct. 564] (Brandeis, J., dissenting)

In that there is no way to make whole someone who has been the subject of an unlawful search or seizure, the purpose of the exclusionary rule can only be to protect the innocent general public through the deterrent effect of taking away the prize captured through illegal activity. (*Mapp v. Ohio* (1961) 367 U.S. 643 [81 S.Ct. 1684]; *Illinois v. Krull* (1987) 480 U.S. 340, 347 [107 S.Ct. 1160]; *United States v. Leon* (1984) 468 U.S. 897, 916 [104 S.Ct. 3405].)

For every case such as this where an officer develops a hunch based in whole or in part on assumptions about national or ethnic groups which turns out to be right, there are countless others where members of the same groups are subject to unremedied intimidation and harassment though guilty of nothing. The targeting of particular groups produces a self-fulfilling prophecy which contributes to the disproportionate imprisonment of

minorities. The perception that the legal system unfairly focuses on these groups in turn undermines public trust and impairs the effectiveness of law enforcement and the judiciary.

We ask this Court to put an end to this corrosive and self-defeating process.

II

Avoidance of A Constitutional Claim By Misrepresentation of Evidence Supporting That Claim Denies Due Process.

Above, (Ppg. 6-7, *ante)* we have quoted verbatim the testimony of the lead investigator detailing his motives for detaining Petitioner. That testimony was ignored by the court of appeal, having been reduced to the following, misleading sentence: "Officer Machado testified this just described activity indicated narcotics trafficking and Baja, he said, is a common operations base for large scale narcotics trafficking." (Opn. App. "A". Pg 3)

Attempts to correct the misstatement by a timely petition for rehearing were rebuffed.

While we recognize that reviewing courts defer to the trial court's resolution of *contradictory* evidence, there was no conflict here. The evidence was uncontradicted, and came from thee officer in charge himself. We respectfully submit that avoidance of a constitutional

claim by misrepresentation of the uncontradicted evidence underlying that claim is inconsistent with due process.

Case-by-case federal adjudication of the legality of particular state searches has been foreclosed for over two decades. In *Stone v. Powell* (1976) 428 U.S. 465 [96 S.Ct. 3037] the Court concluded such collateral adjudication did not serve the deterrent purposes of the exclusionary rule.

Stone must be read as an expression of special trust and confidence in the quality of state court adjudication. Trust, however, must be earned. We thus suggest a concomitant burden on state courts to find facts pertaining to fourth amendment claims in an honest and fair manner. Where it appears that the states are taking unprincipled advantage of fact this Court only has resources to hear a tiny fraction of the meritorious cases, we further submit that the Court should provide a means of correction.

Proceedings on appeal, where provided for by state law, are part of the "process" leading to conviction. Appellate proceedings are thus as much bound by federal guarantees of due process as are trial court proceedings. (*Cole v. Arkansas* (1948) 333 U.S. 196 [68 S.Ct. 514]; *Frank v. Mangum* (1915) 237 U.S. 309 [35 S.Ct. 582].)

Where there has been no fair hearing on the merits of a constitutional claim, there has been no due process.

Conclusion

The writ should be granted, and the judgment of the California court of appeal reversed.

Respectfully submitted,

Laurance S. Smith
Counsel of Record for
Petitioner

Appendix "A"

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

FILED June 8, 1998
Joseph E. Lane, Clerk

COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

No. B114723
(Super. Ct. No.142415)

THE PEOPLE,

Plaintiff and Respondent,

v.

ROSALINDA LOPEZ,

Defendant and Appellant.

_____/

APPEAL from a judgment of the Superior Court of Los Angeles County. Samuel Meyerson, Judge. Affirmed.

Laurance S. Smith, under appointment by the Court of Appeal, for Defendant and Appellant.

Daniel E. Lungren, Attorney General, George Williamson, Chief Assistant Attorney General, Carol Wendelin Pollack, Senior Assistant Attorney General, Marc E. Turchin, Supervising Deputy Attorney General, Victoria Dedrossian and Deborah J. Chuang, Deputy Attorneys General, for Plaintiff and Respondent.

[2][1] The sole issue on appeal is whether "specific and articulable facts" (*People v. Loewen* (1983) 35 Cal.3d 117, 123) justified the detention of appellant. We conclude the trial court was correct in finding the detention lawful and denying appellant's suppression motion ([Cal.] Pen. Code, 1538.5; statutory references, unless otherwise noted, are to the [Cal.] Penal Code). We affirm the judgment.

FACTUAL BACKGROUND

Since only evidence adduced at the suppression hearing is pertinent to appellant's claim, we summarize only that evidence. Two witnesses testified, Pomona Police Officer Machado and Los Angeles County Deputy Sheriff Proctor.

Officer Machado had been a police officer seven years, had completed three 24-hour narcotic classes, an 80-hour narcotic course involving large scale narcotic trafficking, had consulted with many experienced narcotic officers, had made numerous arrests, and had participated in numerous multi-agency narcotic investigations.

In November 1996 he was assigned to a multi-jurisdictional, multi-agency narcotics task force called "L.A. Impact." On November20, 1996, Officer Machado

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1. Bracketed numbers indicate original slip opinion page numbers.

was part of a 15-member surveillance observing activity at a Mobil gas station in El Monte at the corner of Santa Anita and Merced. At 3:30 p.m. the surveillance officer advised the rest of the team that a white Dodge Ram had arrived and stopped near the station pay phones. Momentarily a blue Chevrolet van joined the white Dodge Ram.The driver of the white Dodge used the pay phones while his two male Hispanic passengers conversed with the driver of the blue van. The white Dodge driver appeared
to make pager calls -- dialing a number and immediately hanging up -- and then waited for a return call. After receiving a call, the driver returned to the white Dodge Ram and departed. [3]

Officer Machado testified that, based upon his narcotics expertise, this just described activity indicated narcotics trafficking.

After the white Dodge Ram departed a white pickup truck arrived and its driver exited, shook hands with the blue van driver, exchanged keys with him, and each driver
got in the other's vehicle and departed.

Officer Machado testified this "vehicle switch" is a common narcotics trafficking technique used to transfer narcotics without risking unloading and loading detection,

The blue van drove about a mile to a residential

four-plex at 5417 ½ Welland in Temple City. Already present was the white Dodge Ram whose male Hispanic occupants greeted the blue van.

The surveillance "point" officer informed team members there was much activity around the blue van: doors opening and closing; heavy objects being dragged along the cement. Additionally, another vehicle arrived at the location and this vehicle had Baja license plates.

The male Hispanics entered the 5417 ½ and 5419 Welland residences. Officer Machado testified this just described activity indicated narcotics trafficking and Baja, he said, is a common operations base for large scale narcotics trafficking.

The next day, November 21, 1996, Officer Machado and the surveillance team returned to the 5417 ½ Welland location where they observed a white Chevrolet Astro van arrive about noon. Its driver entered the 5417 ½ apartment. A short time later the Astro van was moved up the driveway closer to 5417 ½ where it stayed for about 15 minutes. It was then driven to Gunderson Chevrolet in South El Monte where the male Hispanic driver exited. A male and female Hispanic (appellant) were passengers.

When the Astro van departed, entering the 10 Freeway, Officer Machado instructed an officer to contact the Los

Angeles County Sheriff's Department and have them stop the Astro van. Officer Machado made the request because, based upon the [4] totality of November 20 and 21 circumstances, he believed the Astro van was transporting narcotics.

About 12:30p.m. Deputy Sheriff Proctor was on patrol when he heard a broadcast concerning a white Chevrolet Astro van that "L.A. Impact" requested be detained. He then saw a white Astro van abreast of him in the diamond lane with a driver and one passenger. Deputy Proctor, who did not then know the license number of the wanted vehicle, got in the diamond lane behind the Astro van and activated his overhead rotating, colored lights, signaling the Astro van to pull over. Deputy Proctor did so because it was a traffic violation for a vehicle with fewer than three occupants to be in the diamond lane.

The Astro van, which had rear windows. did not respond to Deputy Proctor's signal to pull over. It continued westbound in the diamond lane for about 6-10 minutes. During this time Deputy Proctor learned the license number of the "wanted" vehicle and knew it was the van in front of him.

After Deputy Proctor used his air horn, the Astro van pulled over. Deputy Proctor knocked on the driver's window

and appellant rolled the window down. Deputy Proctor immediately noticed a strong odor of marijuana from inside the van.

Appellant exited and was escorted by other officers to the rear. The passenger door was opened and a passenger exited. Officer Machado then opened the sliding door and was startled to see a third person slouched on the middle seat, obscured by two large bales of marijuana atop the rear seat. Later, more marijuana was found in a suitcase.[1]

[4] Prior to trial, appellant moved to suppress evidence seized from the Astro van. The motion claimed the initial detention -- pulling over the Astro van -- was unlawful. The trial court, after an evidentiary hearing, denied the

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5. The parties stipulated that 100 pounds of marijuana was recovered from the Astro

In executing a search warrant for 5417 ½ Welland, officers recovered several large bags of marijuana and additional bales of marijuana.

Appellant was charged with possession of marijuana for sale (Health & Saf. Code § 11359) and transportation of marijuana (Health & Saf. Code § 11360). The jury convicted her of the latter offense but hung on the former. Appellant was granted probation conditioned upon her serving 180 days in county jail.

motion.

DISCUSSION

"It is well established that in the absence of probable cause, police may stop and/or briefly detain a person if they have specific and articulable facts causing them to suspect that criminal activity has taken place, is taking place or is about to occur, and that the person they intend to stop or detain is involved in that activity." (*Terry v.. Ohio* (1968) 392 U.S. 1, 22; *In re Tony C.* (1978) 21 Cal.3d 888, 893.)

"Although each case must be decided on its own facts, certain standards for judging the lawfulness of the officer's conduct have emerged from our decisions. The guiding principle, as in all issues arising under the Fourth Amendment and under the California Constitution, is 'the reasonableness in all the circumstances of the particular governmental invasion of a citizen's personal security.'" (*In re Tony C.*, supra, 21 Cal.3d at p.392, internal citations omitted.)

"An appellate court's review of a motion to suppress evidence is also governed by well-settled principles. The trial court's factual findings relating to the challenged search or seizure, 'whether express or implied, must be upheld if they are supported by substantial evidence.' "The trial court also has the duty to determine whether, on the facts found, the

search was unreasonable within the meaning of the Constitution."Because "that issue is a question of law," the appellate court is not bound by the substantial evidence standard in reviewing the trial court's decision thereon. Rather, in such review it is "the ultimate responsibility of the appellate court to measure the. [6] facts, as found by the trier, against the constitutional standard of reasonableness." On that

issue, in short, the appellate court exercises its independent judgment.'" (*People v. Loewen*, supra, 35 Cal.3d 117, 123.)

We are satisfied that, as the trial court ruled, the detention was lawful for each of two reasons.

First, Deputy Proctor reasonably believed[2] the Astro van driver had committed a traffic violation by driving in the diamond lane with only one passenger, not the required two. This belief justified the brief detention. (*People v. Bell* (1996) 43 Cal.App.4th 754,760.) And, as the United States Supreme Court has stated; "We think these cases foreclose any argument that the constitutional reasonableness of traffic stops depends on the actual motivations of the individual officers involved. We of course agree with

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2. That the belief turned out to be mistaken did not detract from its reasonableness.

petitioners that the Constitution prohibits selective enforcement of the law based on considerations such as race. But the constitutional basis for objecting to intentionally discriminatory application of laws is the Equal Protection Clause, not the Fourth Amendment. Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis." (*Whren v. United States* (1996) 517 U.S. 806.)

Secondly, the totality of November 20-21 circumstances, which we have detailed, constitute "specific and articulable facts" amply justifying a brief investigatory detention of the Astro van.

The trial court properly denied appellant's suppression motion. [7]

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

WOODS, J

We concur:

LILLIE, P.J,

NEAL, J

Appendix "B"

OFFICE OF THE CLERK

COURT OF APPEAL

STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

JOSEPH A. LANE, CLERK

DIVISION: 7 DATE: 7/7/98

RE: People of the State of California

vs.

Rosalinda Lopez

2 Criminal 114723

Los Angeles No. BA 142415

THE COURT:

Petition for rehearing denied.

Appendix "C"

Second Appellate District No B114723

S071845

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE, Respondent	FILED
v.	Aug. 19 1998
ROSALINDA LOPEZ, Appellant	Robert Wandruff, Clerk

Appellant's petition for review DENIED.

GEORGE
Chief Justice